

AMENDED IN ASSEMBLY APRIL 6, 2011

AMENDED IN ASSEMBLY MARCH 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 339

Introduced by Assembly Member Bonilla

February 10, 2011

An act to add ~~Sections 60050 and 60227~~ *Section 60050* to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as amended, Bonilla. Instructional materials: *social content* reviews: fees.

~~(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law further requires the state board to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with specified submission cycles.~~

~~This bill would reenact a provision that, until January 1, 2011, required the State Department of Education, prior to conducting a followup adoption, to notify all publishers and manufacturers known to produce basic instructional materials in that subject, that a fee will be assessed on a publisher or manufacturer choosing to participate in the followup adoption based on the number of programs the publisher or manufacturer indicates will be submitted for review. The bill would provide that the amount of the fee shall not exceed the reasonable costs to the department in conducting the followup adoption, and would prohibit the review of a submission from being conducted until the fee is paid in full.~~

~~(2) Existing~~

Existing law requires the State Board of Education in reviewing and adopting instructional materials to use specified criteria; and ensure that, in its judgment, the submitted basic instructional materials meet all of the specified criteria, including, but not limited to, compliance with the specified requirements and guidelines for social content.

This bill would ~~reenact a provision that, until January 1, 2011, required~~ *require* the state board to adopt regulations to govern the social content reviews conducted at the request of a publisher or manufacturer of instructional materials outside the primary ~~and followup~~ instructional material adoption ~~processes~~ *process*. The bill would authorize the State Department of Education to contract with agents to conduct the specified social content reviews and require the department to assess a fee for the review that meets specified requirements, including notice to publishers and manufacturers.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60050 is added to the Education Code,
2 to read:
3 60050. (a) The state board shall adopt regulations to govern
4 the social content reviews conducted at the request of a publisher
5 or manufacturer of instructional materials outside the primary ~~and~~
6 ~~followup~~ instructional material adoption ~~processes~~ *process*. A
7 social content review is intended to determine compliance with
8 Sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5,
9 and 60200.6, and the guidelines for social content adopted by the
10 state board.
11 (b) (1) For purposes of this section, social content reviews of
12 instructional materials shall be conducted by the department or its
13 agents for all instructional materials, as defined in subdivision (h)
14 of Section 60010.
15 (2) The department may contract with agents to conduct social
16 content reviews pursuant to this section.
17 (c) The department shall assess a fee on a publisher or
18 manufacturer in an amount that does not exceed the reasonable
19 costs to the department to conduct a social content review pursuant
20 to this section. ~~The fee shall be established and assessed pursuant~~
21 ~~to the requirements specified in subdivisions (d) to (f), inclusive;~~

1 of Section 60227, and the publishers and manufacturers shall be
2 provided notice of the establishment of the fee pursuant to
3 subdivisions (b) and (c) of Section 60227.

4 (d) Revenue derived from fees charged pursuant to subdivision
5 (c) shall be budgeted as reimbursements and subject to review
6 through the annual budget process and may be used to pay costs
7 associated with the social content review of instructional materials.

8 SEC. 2. Section 60227 is added to the Education Code, to read:

9 60227. (a) For purposes of this section, a followup adoption
10 is any adoption other than the primary adoption that occurs within
11 a six- or eight-year cycle established pursuant to subdivision (b)
12 of Section 60200.

13 (b) Before conducting a followup adoption in a particular
14 subject, the department shall provide notice, pursuant to subdivision
15 (c), to all publishers or manufacturers known to produce basic
16 instructional materials in that subject, post an appropriate notice
17 on the Internet Web site of the department, and take other
18 reasonable measures to ensure that appropriate notice is widely
19 circulated to potentially interested publishers and manufacturers.

20 (c) The notice shall specify that each publisher or manufacturer
21 choosing to participate in the followup adoption shall be assessed
22 a fee based upon the number of programs the publisher or
23 manufacturer indicates will be submitted for review and the number
24 of grade levels proposed to be covered by each program.

25 (d) The fee shall be in an amount that does not exceed the
26 reasonable costs to the department in conducting the followup
27 adoption process. The department shall take reasonable steps to
28 limit costs of the followup adoption and to keep the fee modest,
29 recognizing that some of the work necessary for the primary
30 adoption need not be duplicated.

31 (e) The department, prior to incurring substantial costs for the
32 followup adoption, shall require that a publisher or manufacturer
33 that wishes to participate in the followup adoption first declare the
34 intent to submit one or more specific programs for the followup
35 adoption and specify the specific grade levels to be covered by
36 each program. After a publisher or manufacturer has declared the
37 intent to submit one or more programs and the grade levels to be
38 covered by each program, a fee shall be assessed by the department.
39 The fee shall be payable by the publisher or manufacturer even if
40 the publisher subsequently chooses to withdraw a program or

1 ~~reduce the number of grade levels covered. A submission by a~~
2 ~~publisher or manufacturer shall not be reviewed for purposes of~~
3 ~~adoption, either in a followup adoption or in any other primary or~~
4 ~~followup adoption conducted thereafter, until the fee assessed has~~
5 ~~been paid in full.~~

6 ~~(f) (1) It is the intent of the Legislature that the fee not be so~~
7 ~~substantial that it prevents small publishers or manufacturers from~~
8 ~~participating in a followup adoption.~~

9 ~~(2) Upon the request of a small publisher or manufacturer, the~~
10 ~~state board may reduce the fee for participation in the followup~~
11 ~~adoption.~~

12 ~~(3) For purposes of this section, “small publisher” or “small~~
13 ~~manufacturer” means an independently owned or operated~~
14 ~~publisher or manufacturer that is not dominant in its field of~~
15 ~~operation, and that, together with its affiliates, has 100 or fewer~~
16 ~~employees, and has average annual gross receipts of ten million~~
17 ~~dollars (\$10,000,000) or less over the previous three years.~~

18 ~~(g) Notwithstanding subdivision (b) of Section 60200, if the~~
19 ~~department determines that there is little or no interest in~~
20 ~~participating in a followup adoption by publishers and~~
21 ~~manufacturers, it shall recommend to the state board that the~~
22 ~~followup adoption not be conducted, and the state board may chose~~
23 ~~not to conduct the followup adoption.~~

24 ~~(h) Revenue derived from fees charged pursuant to subdivision~~
25 ~~(e) shall be budgeted as reimbursements and subject to review~~
26 ~~through the annual budget process and may be used to pay costs~~
27 ~~associated with any followup adoption and any costs associated~~
28 ~~with the review of instructional materials.~~